IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1276 of 1984

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant(s)
Versus
KANTILAL NATVERLAL PATEL & 1 - Defendant(s)

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Appearance :
MS MAYA DESAI for Appellant(s) : 1,
None for Respondent(s) : 1,
None for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 25/07/2007

ORAL JUDGMENT

Ms. Maya Desai, learned counsel for the appellant; none for the respondent no.1 though name of Shri V.M. Trivedi is shown in the daily

board; respondent no.2 is served but is absent.

2. Gujarat State Road Transport Corporation [GSRTC], being aggrieved by the award dated 27.7.83 passed by M.A.C.Tribunal [Main], Surat, in M.A.C. Petition No. 388/82 is before this Court with a submission that the award of Rs. 50,000/- suffers with the vice of excessiveness.

3. From the evidence available on the records, it would appear that the respondent-claimant had suffered fracture of clavicle bone, fracture on the scapular left region, fracture of some of the ribs, had suffered some abrasions on the temporal region, some abrasions on left elbow and his left knee was also damaged in the accident. The Tribunal has found that the claimant had stayed in the hospital for almost about 45 days and his right hand has become weak and he cannot lift weight or drive vehicle. The Tribunal has also found that there is scar of skin grafting encircling lower 4th of the arm and upper third of right forearm and elbow movement is ranging from 25 degree to 110 degree, so also elbow muscle weakness was

caused. Taking into consideration the injuries and pains suffered by the claimant, I must hold that the Tribunal was not unjustified in making the award of Rs. 50,000/-. The appeal deserves to and is accordingly dismissed. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

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